

File No.: 16051-8US CC/sd

May 4, 2006  
Montréal, Canada

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**IN THE UNITED STATES PATENTS AND TRADEMARKS OFFICE**

APPLICANTS: Andrew VAILLANT et al.  
ASSIGNEE: REPLICOR INC.  
SERIAL NUMBER: 10/661,415  
TITLE: ANTIVIRAL OLIGONUCLEOTIDES TARGETING RSV  
FILING DATE: September 12, 2003  
ART UNIT: 1648  
EXAMINER: Sharon L., HURT

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR § 1.97 and 1.98**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on a PTO/SB/08A/B form is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR § 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §§ 1.97-1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in

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Serial No. 10/661,415

37 CFR § 1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

**RELEVANCE OF EACH DOCUMENT**

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A/B be returned in accordance with MPEP § 609.

The Commissioner is hereby authorized to withdraw the fees in the amount of \$180.00 for the submission of an Information Disclosure Statement from Deposit Account No. 19-5113 as well as any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-5113.

Respectfully submitted,

May 4, 2006



Christian Cawthorn, Reg. No. 47,352

Agent of record

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Encl. Form PTO/SB/08A/B  
Non-Patent References in pdf format

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Substitute for form 1449PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet **1** of **13****Complete if Known**

Application Number	10/661,415
Filing Date	September 12, 2003
First Named Inventor	Andrew Vaillant et al.
Art Unit	1648
Examiner Name	Sharon L. HURT
Attorney Docket Number	16051-8US CC

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-5,563,050			
		US-6,506,559			
		US-5,023,252			
		US-5,580,859			
		US-4,806,463			
		US-5,248,670			
		US-5,591,720			
		US-5,952,490			
		US-5,998,602			
		US-6,184,369			
		US-5,264,423			
		US-5,276,019			
		US-6,316,190			
		US-5,218,103			
		US-5,684,148			
		US-5,452,496			
		US-5,278,302			
		US-5,750,666			
		US-5,602,244			
		US-5,508,270			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	†*
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO 03/02903				
		WO 99/32619				
		WO 01/75164				
		WO 92/03051				
		WO 94/17093				
		WO 94/02499				
		WO 94/26764				
		WO 97/13499				

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is

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		US-4,469,863			
		US-5,610,289			
		US-5,256,775			
		US-5,366,878			
		US-5,476,925			
		US-5,023,243			
		US-5,130,302			
		US-5,177,198			
		US-5,378,825			
		US-5,386,023			
		US-5,489,677			
		US-5,264,562			
		US-5,264,564			
		US-5,223,618			
		US-5,770,713			
		US-5,543,152			
		US-4,426,330			
		US-4,534,899			
		US-5,705,188			
		US-5,013,556			

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		Country Code 3 – Number 4 – Kind Code 5 (if known)			
		WO 90/04384			
		WO 97/30731			
		EP 0 496 813 B1			
		EP 0 445 131 B1			
		WO 91/05545			
		WO 94/20073			
		WO 96/10391			
		WO 98/39352			

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Sheet	3	of	13	Attorney Docket Number	16051-8US CC

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		US-5,356,633			
		US-5,213,804			
		US-5,225,212			
		US-5,540,935			
		US-5,556,948			
		US-6,316,190			
		US-5,264,221			
		US-5,665,710			
		US-4,806,463			
		US-5,248,670			
		US-5,695,979			
		US-5,591,623			
		US-5,514,788			
		US-5,652,355			
		US-6,143,881			
		US-6,346,614			
		US-5,591,721			
		US-6,608,035			
		US-3,687,808			
		US-5,625,050			

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		WO 99/14226			
		WO 96/40062			
		WO 97/04787			
		WO 04/02419			

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Substitute for form 1449PTO  <div style="text-align: center;"> <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> </div> <div style="text-align: center;"> <i>(use as many sheets as necessary)</i> </div>				<b>Complete if Known</b>	
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				First Named Inventor	Andrew Vaillant et al.
				Art Unit	1648
				Examiner Name	Sharon L. HURT
				Attorney Docket Number	16051-8US CC
Sheet	4	of	13		

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Examiner Signature		Date Considered	
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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		ADJOU <i>et al.</i> , "A novel generation of heparan sulfate mimetics for the treatment of prion diseases", 2003, <i>J. Gen. Virol.</i> 84:2595-2603.	
		AGRAWAL, "Importance of nucleotide sequence and chemical modifications of antisense oligonucleotides", 1999, <i>Biochim. Biophys. Acta</i> 1489:53-68.	
		AGRAWAL and KANDIMALLA, "Antisense therapeutics: is it as simple as complementary base recognition?", 2000, <i>Mol. Med. Today</i> 6:72-81.	
		AKHTAR <i>et al.</i> , "The delivery of antisense therapeutics", 2000, <i>Advanced Drug Delivery Reviews</i> 44:3-21.	
		ALLAKHVERDI <i>et al.</i> , "Inhibition of Antigen-induced Eosinophilia and Airway Hyperresponsiveness by Antisense Oligonucleotides Directed against the Common $\beta$ Chain of IL-3, IL-5, GM-CSF Receptors in a Rat Model of Allergic Asthma", 2002, <i>Am. J. Respir. Crit. Care Med.</i> 165:1015-1021.	
		ANDREOLA <i>et al.</i> , "DNA aptamers selected against the HIV-1 RNase H display in vitro antiviral activity", 2001, <i>Biochemistry</i> , 40:10087-10094.	
		BAKER <i>et al.</i> , "2-O-(2-Methoxy)ethyl-modified Anti-intercellular Adhesion Molecule 1 (ICAM-1) Oligonucleotides Selectively Increase the ICAM-1 mRNA Level and Inhibit Formation of the ICAM-1 Translation Initiation Complex in Human Umbilical Vein Endothelial Cells", 1997, <i>J. Biol. Chem.</i> 272 (18):11994-12000.	
		BALL <i>et al.</i> , "Clinical Potential of Respirable Antisense Oligonucleotides (RASONS) in Asthma", 2003, <i>Am. J. Pharmacogenomics</i> 3 (2):97-106.	
		BANKS <i>et al.</i> , "Delivery across the Blood-Brain Barrier of Antisense Directed against Amyloid $\beta$ : Reversal of Learning and Memory Deficits in Mice Overexpressing Amyloid Precursor Protein", 2001, <i>J. Pharmacol. Exp. Ther.</i> 297 (3):1113-1121.	
		BARDOS <i>et al.</i> , "Structure-Activity Relationships and Mode of Action of 5-Mercapto-Substituted Oligo- and Polynucleotides as Antitemplates Inhibiting Replication of Human Immunodeficiency Virus Type 1", 1992, <i>Antimicrob. Agents and Chemother.</i> 36 (1):108-114.	

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Sheet	6	of	13	Attorney Docket Number	16051-BUS CC

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		BARRET <i>et al.</i> , "Evaluation of Quinacrine Treatment for Prion Diseases", 2003, <i>J. of Virol.</i> 77 (15):8462-8469.	
		BATE <i>et al.</i> , "Squalestatin Cures Prion-infected Neurons and Protects Against Prion Neurotoxicity", 2004, <i>J. of Biol. Chem.</i> 279 (15):14983-14990.	
		BOUSSIF <i>et al.</i> , "A versatile Vector for Gene and Oligonucleotide Transfer into Cells in Culture and in vivo: Polyethylenimine", 1995, <i>Proc. Natl. Acad. Sci. USA.</i> 92 (16):7297-7301.	
		BRIGGER <i>et al.</i> , "Poly(ethylene glycol)-Coated Hexadecylcyanoacrylate Nanospheres Display a Combined Effect for Brain Tumor Targeting", 2002, <i>J. Pharmacol. Exp. Ther.</i> 303 (3):928-936.	
		CASPER, "Discovery of a Novel Target for Potential Cancer Therapy", Joint Bayer Science Forum – ACS November 24 <sup>th</sup> Dinner Meeting. 2003, The FILTERPAPER, Andy Edelbrock Bayer Corporation, page 3 (abstract).	
		CAUGHEY <i>et al.</i> , "Sulfated Polyanion Inhibition of Scrapie-Associated PrP Accumulation in Cultured Cells", 1993, <i>J. Virol.</i> 67 (2):643-650.	
		CHEN <i>et al.</i> , "Antisense Oligonucleotides Demonstrate a Dominant Role of c-Ki-RAS Proteins in Regulating the Proliferation of Diploid Human Fibroblasts", 1996, <i>J. Biol. Chem.</i> 271 (45):28259-28265.	
		CHEONG <i>et al.</i> , "Structure of influenza virus panhandle RNA studied by NMR spectroscopy and molecular modeling", 1999, <i>Nuc. Acids. Res.</i> 27 (5): 1392-1397.	
		CHIANG <i>et al.</i> , "Antisense Oligonucleotides Inhibit Intercellular Adhesion Molecule 1 Expression by Two Distinct Mechanisms", 1991, <i>J. Biol. Chem.</i> 266 (27):18162-18171.	
		CIOFFI <i>et al.</i> , "Selective Inhibition of A-Raf and C-Raf mRNA Expression by Antisense Oligodeoxynucleotides in Rat Vascular Smooth Muscle Cells: Role of A-Raf and C-Raf in Serum-Induced Proliferation", 1997, <i>Mol. Pharmacol.</i> 51:383-389.	

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		CROOKE et al., "In Vitro Toxicological Evaluation of ISIS 1082, a Phosphorothioate Oligonucleotide Inhibitor of Herpes Simplex Virus", 1992, <i>Antimicrob. Agents Chemother.</i> 36 (3):527-532.	
		DASS, "Vehicles for oligonucleotide delivery to tumours", 2002, <i>Journal of Pharmacy and Pharmacology</i> 54:3-27.	
		DASS, "Liposome-Mediated Delivery of Oligodeoxynucleotides In Vivo", 2002, <i>Drug Delivery</i> , 9:169-180.	
		DHEUR et al., "Polyethylenimine but Not Cationic Lipid Improves Antisense Activity of 3'-Capped Phosphodiester Oligonucleotides", 1999, <i>Antisense &amp; Nucleic Acid Drug Development</i> , 9:515-525.	
		DOH-URA et al., "Treatment of Transmissible Spongiform Encephalopathy by Intraventricular Drug Infusion in Animal Models", 2004, <i>J. Virol.</i> 78 (10):4999-5006.	
		ELBASHIR et al., "RNA interference is mediated by 21- and 22-nucleotide RNAs", 2001, <i>Genes &amp; Development</i> 15:188-200.	
		ELBASHIR et al., "Duplexes of 21-nucleotide RNAs mediate RNA interference in cultured mammalian cells", 2001, <i>Nature</i> 411:494-498.	
		FINOTTO et al., "Local administration of antisense phosphorothioate oligonucleotides to the c-kit ligand, stem cell factor, suppresses airway inflammation and IL-4 production in a murine model of asthma", 2001, <i>J. Allergy Clin. Immunol.</i> 107 (2):279-286.	
		FISET et al., "Modulation of allergic response in nasal mucosa by antisense oligodeoxynucleotides for IL-4", 2003, <i>J. Allergy Clin. Immunol.</i> 111 (3):580-586.	
		GARRETT et al., "In vivo use of oligonucleotides to inhibit choroidal neovascularisation in the eye", 2001, <i>J. Gene Med.</i> 3:373-383.	

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				First Named Inventor	Andrew Vaillant et al.
				Art Unit	1648
				Examiner Name	Sharon L. HURT
Sheet	8	of	13	Attorney Docket Number	16051-BUS CC

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		GORLACH <i>et al.</i> , "Antisense repression in <i>Cryptococcus neoformans</i> as a laboratory tool and potential antifungal strategy", 2002, <i>Microbiology</i> 148:213-219.	
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		KURRECK, "Antisense technologies. Improvement through novel chemical modifications", 2003, <i>Eur. J. Biochem.</i> 270:1628-1644.	
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		MOU and GRAY, "The high binding affinity of phosphorothioate-modified oligomers for Ff gene 5 protein is moderated by the addition of C-5 propyne or 2'-O-methyl modifications", 2002, <i>Nucleic Acids Res.</i> 30 (3):749-758.	
		NAKAJIMA et al., "Results of Quinacrine Administration to Patients with Creutzfeldt-Jakob Disease", 2004, <i>Dement. Geriatr. Cogn. Disord.</i> 17:158-163.	
		NOGUCHI et al., "Remarkable induction of apoptosis in cancer cells by a novel cationic liposome complexed with a bcl-2 antisense oligonucleotide", 2003, <i>Journal of Controlled Release</i> 88:313-320.	
		NOONPAKDEE et al., "Inhibition of <i>Plasmodium falciparum</i> proliferation in vitro by antisense oligodeoxynucleotides against malarial topoisomerase II", 2003, <i>Biochem. and Biophys. Res. Commun.</i> 302:659-664.	
		O'BRIEN et al., "Antisense BCR-ABL Oligomers Cause Non-Specific Inhibition of Chronic Myeloid Leukemia Cell Lines", 1994, <i>Leukemia</i> 8 (12):2156-2162.	
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		PEREZ et al., "Sequence-independent induction of Sp1 transcription factor activity by phosphorothioate oligodeoxynucleotides", 1994, <i>Proc. Natl. Acad. Sci. USA</i> 91:5957-5961.	
		POLI et al., "In vitro Evaluation of the Anti-prionic Activity of Newly Synthesized Congo Red Derivatives", 2003, <i>Arzneim.-Forsch./Drug Res.</i> 53 (12):875-888.	

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		PROSKE <i>et al.</i> , "Prion-Protein-Specific Aptamer Reduces PrP <sup>Sc</sup> Formation", 2002, <i>Chemic. Biol.Chem.</i> 3:717-725.	
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		ROSOFF, in: <i>Pharmaceutical Dosage Forms</i> , Lieberman, Rieger and Banker (Eds), 1988, Marcel Dekker, INC., New York, NY, Vol. 1, pp.245-282.	
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		SUPATTAPONE <i>et al.</i> , "Branched Polyamines Cure Prion-Infected Neuroblastoma Cells", 2001, <i>J. Virol.</i> 75 (7):3453-3461.	
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		VINOGRADOV <i>et al.</i> , "Nanogels for Oligonucleotide Delivery to the Brain", 2004, <i>Bioconjug. Chem.</i> 15:50-60.	
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		WHITE <i>et al.</i> , "Inhibition of the Multiple Antibiotic Resistance ( <i>mar</i> ) Operon in <i>Escherichia coli</i> by Antisense DNA Analogs", 1997, <i>Antimicrobial Agents and Chemotherapy</i> 41 (12) :2699-2704.	
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		XU et al., "Inhibition of DNA Replication and Induction of S Phase Cell Cycle Arrest by G-rich Oligonucleotides", 2001, <i>The Journal of Biological Chemistry</i> 276 (46):43221-43230.	
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		ZHANG et al., "A Simple Glycol Nucleic Acid", 2005, <i>J. Am. Chem. Soc.</i> 127:4174-4175.	
		ZHANG et al., "The Study on Brain Targeting of the Amphotericin B Liposomes", 2003, <i>J. Drug. Target.</i> 11 (2):117-122.	
		ZHANG et al., "Global Non-Viral Gene Transfer to the Primate Brain Following Intravenous Administration", 2003, <i>Mol. Ther.</i> 7 (1):11-18.	
		<i>The Concise Encyclopedia of Polymer Science and Engineering</i> , Jacqueline I. Kroschwitz, 1998, ISBN: 0-471-31856-6, 1341 pages, pp. 858-859.	

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